

December 5, 2019

Via ECF

Hon. Roanne L. Mann
Chief Magistrate Judge
United States District Court
For the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Joint Status Update; *Suffolk County Water Authority v. The Dow Chemical Company et al.*, No. 2:17-cv-6980-NG-RLM, and Related Cases

Dear Judge Mann:

Pursuant to the Court's August 13, 2019 Order, the Parties submit this Joint Status letter describing the discovery issues they intend to address at the status conference scheduled for December 10, 2019.

On November 26, 2019, the Parties exchanged preliminary fact sheets and accompanying document productions. The fact sheets were intended to replace initial disclosures and to facilitate an exchange of information that would help frame subsequent formal discovery and lay the groundwork for discussions about case management. The fact sheet exchanges included:

- Submissions from 22 of the 27 Plaintiffs. The responding Plaintiffs produced more than 27,000 pages of documents with their responses. The five remaining Plaintiffs filed their complaints after the fact-sheet process was agreed to, and the Parties are conferring to set an appropriate deadline for fact sheet responses after Defendants' deadline to respond to the complaints in those cases.
- Submissions from all five Defendants. Defendant The Dow Chemical Company served 7,530 pages of documents; Defendant Ferro Corporation served 124 pages; Defendant Vulcan Materials Company served 357 pages; Defendant Procter & Gamble served 35 pages; and Defendant Shell Oil Company served 13 pages.

The Parties met and conferred telephonically on December 3, 2019. The parties acknowledged the need for additional time to digest the information that was produced and to identify and try to resolve any issues relating to the fact sheet responses. That process began during the December 3 call, but is not complete. Some issues have already been resolved, and discussions concerning other issues are continuing, with similar progress expected.

During the conference, the parties also discussed the scope of a broader discovery schedule for all the cases. Those discussions are also continuing. The parties expect to report to

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the Court at next week's conference the status of these discussions and any unresolved issues relating to the fact sheet responses.

The parties look forward to meeting with the Court on December 10.

Respectfully submitted,

/s/ Matthew K. Edling
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¹ The Sher Edling firm represents all Plaintiffs in these related cases except Plaintiffs New York American Water (19-cv-2150) and Hicksville Water District (19-cv-5632).

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